

REMARKS

Claims 1-7 and 9-25 are rejected in the Office Action of April 10, 2008, on various grounds. In response to the rejections, Applicants have amended the claims as explained in more detail below. The amendments were made in part to clarify and better organized the pending claims by setting forth a set of claims that were in numerical sequence. In view of the amendments and remarks herein, Applicants respectfully submit that all pending claims, claims 22-45 are allowable.

Explanation of Amendments to Claims

Claim 1 has been canceled. Claims 2-7 have been canceled, but have been rewritten as new claims 34-39, respectively, which are directly or indirectly dependent from new independent claim 33. Claim 8 was canceled in the prior response. Claims 9-13 and 15 have been canceled, but have been rewritten as new claims 26-31, respectively. Like claims 9-13 and 15, new claims 26-31 depend from previously pending independent claim 25. Claim 14 has been canceled, but rewritten as new claim 33. Claim 31 is now dependent on new claim 32. Claims 16-21 have been canceled, but have been rewritten as new claims 40-45, which are now directly or indirectly dependent on new claim 32. Claim 40 is slightly different from claim 16 in that the phrase "the functions on" has been deleted in new claim 40. Independent claim 22 has been amended. Claims 23 and 24, which depend from claim 22, have been amended to address the Examiner's rejection of those claims under 35 USC 112, second paragraph.

Independent Claims 22, 25 and 32

Independent claim 25 has not been amended. However, Applicant reminds the Examiner that claim 25 is the combination of former independent claim 1 and dependent claim 8 that Applicant submitted in its prior response as a claim that the Examiner indicated contained

allowable subject matter. In this recent Office Action, the Examiner has rejected claim 25. In particular, claims 22 and 25 stand rejected as obvious over the combination of JP2002-135380 to Akitoshi et al. (“Akitoshi”) in view of JP05-211547 to Hironori et al. (“Hironori”).

Akitoshi discloses a foldable mobile electronic device where a first case 10, having a reception section and display section 11, and a second case 20 having a transmission section are mutually foldably connected by a hinge. The first case 10 is rotatable around a rotating axis 2 nearly perpendicularly to the surface of the reception section or the transmission section, wherein when the first case 10 is rotated from an opened state or a closed state, the display direction of the main display section 11 on the first case 10 is switched depending on the rotation angle and a hold angle of the device. Thus, as shown in Figures 2(a) and 2(b), the information that is displayed is oriented in accordance with the position of the display section 11.

The claimed invention is basically distinct over the cited reference in the point that the casings of the prior art are rotated, from an open state or a closed state in a folding direction. In the claimed invention, the surfaces facing the user of the two casings are rotated substantially parallel, not in a folding direction. It is only in an initial stage of the rotation that one casing is rotated relative to the other casing around the second reference axis.

Recently cited Hironori is equally different from the claimed invention. In Hironori, a groove (guide) 16 is configured as a guide rail, which is longer than the width of a protrusion 17, extending along a rotation direction. As shown in Hironori, generally C-shaped guide 16 is slightly longer than 180 degrees and is centered about shaft 8. The guide is used to open and close the second case 4, having a curved joint face 5, relative to the first case 2. As explained in the English-language abstract for Hironori “a tightening part and a turning shaft of the 1st case 2 and the 2nd case 4 are set downward in the lengthwise direction of the 1st case 2 at

a right angle to the joint face 5 so that the 2nd case 4 is turned by 180 deg. With respect to the 1st case 2 and the curve of the joint face 5 is set for the transmitter and receiver in such a way that the curve is along with a distance between a mouth and an ear . . .”

Regarding Akitoshi, the Office action does not assert that Akitoshi discloses a rotating mechanism coupling the first casing to the second casing and inclining the first casing relative to the second casing during at least an initial stage of rotating the first casing relative to the second casing” as required by claim 25. Claim 25 requires that to at least in part effect the inclining of the first casing relative to the second casing that the rotating mechanism include a second base member that “is pivotable around a pivot shaft perpendicular to an axis of the rotator by the pivot mechanism, wherein the first casing is provided with a protrusion and the second casing is provided with a guide abutted by the protrusion, and wherein the rotating mechanism has biasing means for biasing to the guide.”

It appears from the Office Action that Hironori is relied on as filling in this missing disclosure from Akitoshi. Even if Applicants accept *arguendo* that Hironori discloses a first case that is inclined relative to the second case, the Office Action fails to identify with any particularity all of the elements that have been expressly recited in claim 25 as being part of the rotating mechanism. For example, and without again repeating all the elements of claim 25, the Office Action fails to identify in Hironori, the claimed elements of a second base member that “is pivotable around a pivot shaft perpendicular to an axis of the rotator by the pivot mechanism, wherein the first casing is provided with a protrusion and the second casing is provided with a guide abutted by the protrusion, and wherein the rotating mechanism has biasing means for biasing to the guide.” To understand the basis of the rejection of claim 25, Applicants would need to understand where each element of claim 25 may be allegedly be found in Hironori such

as for example “a pivot shaft perpendicular to an axis of the rotator” and “biasing means for biasing to the guide.” Applicants submit that those elements are not found in Hironori or in Akitoshi. For the foregoing reasons, Applicants submit that claim 25 is allowable over the combination of Akitoshi and Hironori. For the same reasons, claims 25-31, which depend from claim 25 are also allowable.

Independent claim 22 has been amended to include the further limitation of “one of said first and second casings is coupled to the other of said first and second casings so as to be pivotable around a second reference axis perpendicular to the first reference axis, and said casings are spaced apart by inclining one of said first and second casings relative to the other of said first and second casings around the second reference axis at least in an initial stage of the rotation of one of said first and second casings and the other of said first and second casings.”

Pending claim 1 was canceled in favor of new claim 32, which similarly recites in part “a coupling mechanism coupling the first casing to the second casing wherein the coupling mechanism enables the first and second casings to rotate around a first reference axis extending in a direction of thickness of the portable terminal and wherein the coupling mechanism couples the first casing to the second casing so as to be pivotable around a second reference axis perpendicular to the first reference axis.”

It should now be clear from the foregoing that the method of opening and closing a portable terminal in claim 22 and the portable terminal of 32 concern a portable terminal having a coupling that is configured as a two-axes mechanism, wherein the casings are rotated about one of the two axes that extends in a direction of thickness of the portable terminal and the casings are pivotable around the second axis that is perpendicular to the first axis. In other words, the coupling mechanism of the method and portable terminal provides for two distinct

movements of the cases, each movement along its own axis. Claims 22 and 32 further require that along the axis that is perpendicular to the axis that extend in the thickness direction of the portable terminal either the first or second case is inclined relative to the other case. Thus, the mechanism permits rotation of the cases along a first axis and inclined movement of the cases along the second axis that is perpendicular to the first axis.

None of the cited references disclose a portable terminal having a mechanism that permits rotation of the cases along a first axis (that is in the thickness direction of the terminal) and inclined movement of the cases along the second axis that is perpendicular to the first axis. If the structure of Hironori with inclined axis is to be applied in the double axes connection means of Akitoshi, the first rotation axis in the reference of Akitoshi is to be inclined, so that one casing is inclined with respect to the other casing when rotating the casings relative to each other. It is necessary to rotate the casings relative to each other around the inclined rotation axis, resulting in bad rotation operability. Accordingly claim 22, as amended, and new claim 32 are also patentable over the combination of Akitoshi and Hironori. For the same reasons, all claims, directly or indirectly, dependent on claims 22 and 32 are allowable over the combination of Akitoshi and Hironori.

The Examiner is urged to telephone Applicants' undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicants petition for that extension of time required to make this response timely.

Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0074.

Respectfully submitted,

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